

**REMARKS**

In view of the foregoing amendments and following remarks responsive to the Office Action dated October 20, 2008, Applicant respectfully requests favorable reconsideration of this application.

**I. Introduction**

Applicant respectfully thanks the Office for the indication that claims 3-15 would be allowable, but for being based on rejected base claims.

Applicant has amended claims 3 and 11 into independent form and therefore claims 3-15 should now be in allowable form.

Applicant also respectfully thanks the Office for the indication that claims 18-29 also would be allowable but for (1) being of non-statutory form (which rejection has now been overcome as discussed below), (2) dependent upon a rejected base claim (which has been overcome by amending claim 18 into independent form), and (3) as having erroneous preamble language (claim 18 only, which also has now been overcome via the amended preamble of the claim).

Accordingly, claims 3-15 and 18-29 should now be in allowable form.

All other claims have been cancelled.

Applicant also respectfully thanks the Examiner for his courtesy in conducting a telephonic interview with Applicant's undersigned representative on December 11, 2008. During that conversation, Applicant's representative and the Examiner discussed the rejection under 35 U.S.C. 101.

In that conversation, the Examiner indicated that an argument by Applicant in this amendment indicating what is meant by computer readable medium would be

adequate to overcome the rejection. Applicant does so below.

II. **Matters of Form**

As noted immediately above, the Office rejected the computer product claims, claims 16-29 under 35 U.S.C. 103, asserting that the claimed invention is directed to non-statutory subject matter. Particularly, the Office indicated that these claims are directed toward a computer readable product embodied on computer readable media, but that the Applicant's specification does not explicitly define the term "computer readable media". The Office further objected to the specification as failing to provide proper antecedent basis for the claimed subject matter under 37 C.F.R. 1.75(d)(1) and MPEP §608.01(o). Particularly, the Office asserted that the specification does not define the computer readable media claimed in claim 16-29 and requested clarification. Furthermore, in the Response to Arguments section of the Office Action, the Office asserted that Applicant's amendments to the specification comprised new matter and therefore did not overcome the specification objection and the 101 rejection from the previous Office Action (which are essentially identical to the current specification objection and 101 rejection). However, the Office did not officially assert a new matter rejection.

In view of all of the foregoing, Applicant has herein (1) amended the specification to delete the previously added text and (2) provides the following argument as suggested by the Examiner in the aforementioned telephone conversation.

The term "computer readable media" in the claims was intended to refer to nothing more than conventional, well-known computer readable media, such as

DVD-ROM, CD-ROM, flash drives, and hard drives. The language does not present any new matter issue since the language appears in the original claims and the original claims constitute part of the specification. Furthermore, the use of the term "computer readable media" is not indefinite in any way insofar as anyone of skill in these arts would understand what that means and be able to readily identify at least one "computer-readable media".

Accordingly Applicant respectfully requests the Office to withdraw the rejection under 35 U.S.C. 101.

The Office further rejected claims 17 and 18 under 35 U.S.C. 112, second paragraph, noting that the limitation "the method of claim . . ." in the preambles of these two claims lacks antecedent basis insofar as these claims are not method claims, but computer readable product claims. Applicant has herein cancelled claim 17, thus rendering this rejection moot with respect to claim 17. Applicant has further amended claim 18 into independednet form with an entirely new preamble that overcomes this problem..

### **III. Matters of Prior Art**

Only claims 1, 2, 16, and 17 have been rejected on prior art grounds.

Applicant has herein cancelled claims 1, 2, 16, and 17, thus rendering these rejections moot.

### **IV. Miscellaneous Matters**

In reviewing the claims, Applicant noted a few typographical errors, which have been corrected herein. Particularly, the preamble of claim 14 previously referred to step (2), whereas, it should be obvious that it actually should refer to step

(3). Furthermore, with respect to claim 15, Applicant has herein changed the step numbers in order to avoid two dependent claims utilizing the same step numbers. Particularly, claims 14 and 15 previously used the same step numbers. This was simply a typographical error. Applicant does not wish re-use step numbers for sake of clarity, even if permissible.

**V. Conclusion**

All claims should now be in allowable form in accordance with the Final Office Action. The only claims rejected on prior art grounds were claims 1, 2, 16, and 17. Applicant has cancelled those claims. Applicant is not conceding that the subject matter encompassed by those claims is not patentable. These claims were cancelled solely to facilitate expeditious prosecution of the remaining claims. Applicant respectfully reserves the right to pursue additional claims, including the subject matter encompassed by claims 1, 2, 16, and 17 as presented prior to this amendment in one or more continuing applications.

Finally, Applicant herein supplies the argument deemed necessary by the Examiner to support the computer program product claims.

Accordingly, this application should now be in allowable form in accordance with the Final Office Action and the interview between the Examiner and Applicant's undersigned representative.

The Examiner is respectfully requested to reconsider and withdraw the rejections of the claims. An early Notice of Allowance is earnestly solicited.

Respectfully submitted

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Date

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